



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602) 244-0477

Minutes of Meeting October 18, 2017

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on October 18, 2017, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Byron Gwaltney, Pima County Sheriff's Department
Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections

Members Absent:

Sergeant Chris Andreacola, Tucson Police Department

Staff in Attendance:

Jack G. Lane, Executive Director
Ted Brandon, Compliance Specialist
Billy Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mark Perkovich, Program Administrator
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
John Tellier

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Clarkdale Police Chief Randy Taylor to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- New case #7, Nancy Talamante, will be tabled.
- There are many dignitaries in the room who are here regarding agenda item D, the Basic Training Academy Funding Issue. Some will be addressing the Board and he will let the Chair introduce them when they speak.

C. Executive Director's Report

Jack G. Lane, Executive Director

- He met with Ryan Vergara, budget analyst with the Office of Strategic Planning and Budgeting (OSPB), yesterday. It was a very productive meeting and the governor's office is aware of our budget situation and is very supportive.

D. Review, Discussion and Possible Action on Basic Training Academy Funding Issues

The Arizona Peace Officer Standards and Training (AZPOST) Board has experienced a significant decline in revenue over the last ten fiscal years (FY08-FY17). This revenue decline has resulted in an inability to properly support staffing levels, standards and compliance, police basic training, and advanced training; all of which are in support of Arizona Law Enforcement. Funding for AZPOST is completely dependent upon monies received from the Criminal Justice Enhancement Fund (CJEF); this is the sole source of funding for AZPOST. Monies received from the CJEF has significantly declined over the past ten fiscal years, resulting in an annual revenue loss of 32.5% or \$2,585,024. The Governor's Office is well aware of our declining CJEF revenue. For FY2019, we made a budget request in the amount of \$2.5 million in general revenue monies through the Governor's Office; but there is no guarantee that this request will be approved.

The loss of CJEF revenue has resulted in a negative impact on the Law Enforcement community as well as the citizens we have a responsibility to serve. Training grants for agencies have been eliminated completely. In FY2018, funding provided by AZPOST to the Basic Training Academies has been reduced for the first time. Staffing levels at AZPOST are currently at a 26% vacancy rate; 8 out of the 30 positions we have are vacant. We no longer have contract employees on staff; we used to have six. Short staffing levels negatively impact compliance audits, police officer misconduct investigations, advanced in-service training, police basic training academies, and professional administrative support functions.

As a result of the decline in revenue, Basic Training monies allocated to academies will need to be modified to accommodate funding declines and adjusted on a quarterly basis, based upon these declines. This will begin with the FY2019 budget if a steady revenue source is not provided this next legislative session.

Mr. LeFevre stated it is projected that there will be a 5% decline in the CJEF for next fiscal year. This means even less money will be available and he does not see this decline changing any time soon.

Colonel Milstead stated he has received comments and questions from several chiefs and sheriffs regarding the decline in aid to agencies which went from 5.1 million dollars in 2008 to 2.025 million in 2017. How much funding goes into Advanced Training classes, supervision classes, LPO? If we did not do as much Advanced Training, how would that affect the outcome of the budget? Is there staffing in this area and if we were to cut this section would there be salary savings?

Executive Director Lane stated significant cuts have already been made to the Training area. There are three staff members in the Training Unit; we are actually understaffed in this area because we had two contract employees that are no longer there. Part of the Training budget provides funding for lead instructors that travel throughout the state; it cost approximately \$800,000 to fund this.

Chief Gwaltney stated he agrees that basic training needs to be the #1 priority. Is it beneficial to have a written plan in place that as we progress with the projected 5% decrease from year to year and we maintain the funding for the basic academies at a reasonable level as determined by a subcommittee that we identify those additional programs like Advanced Training that we have already identified as dying on the vine in order to support the core? This way we have a particular picture that at a certain time FTO Training goes away, Basic Supervision Training goes away, LPO goes away. To get a realistic picture of what it is going to take to support the core.

Chief Rodbell stated he would like to see a clear picture of the current program funding for this year's budget. He would like Executive Director Lane to come back with a plan that shows that entry level training is the #1 priority; what can be cut from the budget and how we can deal with the budget that we have.

Phil Case, DPS Budget Director, addressed the Board to explain carry forward funds and what the appropriate level is for these funds. He feels an agency should have a minimum of two months of operating balance in reserve to address cash flow issues.

Colonel Milstead made a motion to continue as we are today with current funding practices from AZPOST to the agencies and we put together a 5 member panel to study the budget in-depth and come up with recommendations to the Board. The motion was seconded by Chief Rodbell and passed unanimously.

The following individuals addressed the Board in support of funding for basic training, to offer support in any way in order to obtain this funding and to stress the importance that academies continue to be adequately funded:

The Honorable Mark Brnovich, Arizona Attorney General
Chief Joe Brugman, Safford Police Department
Chief Bryan Jarrell, Prescott Valley Police Department
Sheriff Bill Risen, La Paz County Sheriff's Office
Sheriff K.C. Clark, Navajo County Sheriff's Office

Sheriff Mark Napier, Pima County Sheriff's Department
 Sheriff Mark Dannels, President, Arizona Sheriff's Association
 Larry Green, West Yavapai Guidance Clinic
 April Rhodes, Spectrum Healthcare
 Stuart Bishop, Academy Director, Northern AZ Law Enforcement Training Academy

Chairman Mascher stated he has received numerous letters from throughout the state in support of funding for basic training academies and stating that basic training should be the top priority.

The Board took a 5minute break and resumed the meeting at 11:20.

Director Ryan left the meeting at this time.

E. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda. The motion was seconded by Sergeant Aparicio and passed unanimously.

Consent Agreements for Voluntary Relinquishment of Peace Officer Certification were accepted by the Board for the following:

1. Jennifer L. Brown	15-118	AZ Department of Transportation - ECD
2. Ruben C. Diaz	17-120	AZ Department of Public Safety
3. Jermaine R. Evans	17-127	AZ Department of Public Safety
4. Elgin J. Miguel	16-054	Gila River Police Department
5. Randall M. Morales	17-112	Tucson Police Department
6. Simon A. Wade	16-161	AZ Department of Public Safety
7. James A. Waltermire	16-195	AZ Department of Public Safety
8. Easton G. Younger	17-117	Prescott Police Department

F. Final Action Cases:

1. #14-145 – Joshua W. Adams – Phoenix Police Department
Colonel Milstead recused himself from this case. The Board considered comments from Assistant Attorney General Seth Hargraves. Sheriff Dannels made a motion to reject the Consent Agreement, Decision and Order which called for a suspension of Mr. Adams' peace officer certification. The motion was seconded by Sergeant Aparicio and passed with one nay vote recorded for Chief Rodbell.
2. #17-094 – Richard B. Berry – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for a one year suspension of Mr. Berry's peace officer certification. The suspension shall be in effect from May 18, 2017 through May 18, 2018. The motion was seconded by Chief Hall and passed unanimously.

3. 16-031 – Pablo L. Camargo – Tucson Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for a two year suspension of Mr. Camargo's peace officer certification. The suspension shall be in effect from February 25, 2016 through February 25, 2018. The motion was seconded by Chief Rodbell and passed unanimously.
4. #16-051 – Angel Perez – Mesa Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for an 18-month suspension of Mr. Perez's peace officer certification. The suspension shall be in effect from March 27, 2016 through September 27, 2017. The motion was seconded by Chief Gwaltney and passed with one nay vote recorded for Mr. Ahler (AAG).
5. #17-065 – Joel L. Bartlett – Phoenix Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and close this case with No Action with Agency Discretion. The motion was seconded by Sergeant Aparicio and passed unanimously.
6. #15-150 – Alan R. Blume – Scottsdale Police Department
Chief Rodbell recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Blume's peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.
7. #15-153 – Jaime B. Guerrero – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Guerrero's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
8. #17-079 – Aaron A. Tarter – Coconino County Sheriff's Department
The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Aparicio made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Tarter. The motion was seconded by Chief Rodbell and passed unanimously.

G. New Charging Cases:

1. #17-111 – Tania A. Silva – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Chief Gwaltney made a motion to **Initiate Proceedings** to deny Ms. Silva peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

2. #15-139 – James C. Baxter – Mesa Police Department
Chief Hall recused himself from this case. The Board considered comments from Compliance Specialist Billy Caldwell. Chief Gwaltney made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Sergeant Aparicio and passed with one nay vote recorded for Colonel Milstead.
3. #15-083 – Pedro Ortiz – Mesa Police Department
Chief Hall recused himself from this case. The Board considered comments from Compliance Specialist Billy Caldwell. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Ortiz's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
4. #16-129 – Victor M. Perea Jr. – Casa Grande Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Mr. Ahler (AAG) made a motion to **Initiate Proceedings** against Mr. Perea's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
5. #17-101 – Cody A. Huggins – Phoenix Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Mr. Ahler (AAG) made a motion to **Initiate Proceedings** against Mr. Huggins' peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
6. #17-108 – Jared E. Standage – Chandler Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Standage's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
7. #17-102 – Nancy Talamante – Phoenix Police Department
This case was tabled.
8. #17-096 – Charles P. Vath – Phoenix Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Chief Hall and passed unanimously.
9. #17-012 – Joseph M. Grant – AZ Department of Agriculture
The Board considered comments from Compliance Specialist Lori Wait. Chief Rodbell made a motion to **Initiate Proceedings** to deny Mr. Grant peace officer certification. The motion was seconded by Sheriff Dannels and passed with one nay vote recorded for Colonel Milstead.
10. #16-058 – Fernando Hernandez – Gila River Police Department
Sergeant Aparicio recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Fernandez's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

11. #16-059 – Ruben Salinas – Gila River Police Department

Sergeant Aparicio recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Mr. Ahler (AAG) made a motion to **Initiate Proceedings** against Mr. Salinas' peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

12. #17-122 – Randy S. Markham – AZ Attorney General's Office

Mr. Ahler (AAG) recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Chief Gwaltney made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Chief Rodbell and passed unanimously.

13. #17-134 – Dallas O. McGaughey – Scottsdale Police Department

Chief Rodbell recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Mr. Ahler (AAG) made a motion to **Initiate Proceedings** to deny Mr. McGaughey peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

H. Future Agenda Items

Chairman Mascher requested that a Budget Committee be established to examine the current budget situation and determine what, if any, future cuts need to be made. Basic Training is the number one priority and he would like the Committee to come up with recommendations to the Board on how to fund this.

I. Adjournment

Before the meeting adjourned, Executive Director Lane informed the Board that the International Association of Directors of Law Enforcement Standards and Training (IADLEST) Western Regional Conference will be held in Phoenix next month and attendees will also be attending the November 15 Board Meeting.

The meeting was adjourned at 12:18 p.m.